



**REPORT OF THE AUDITOR OF PUBLIC ACCOUNTS  
AUDIT EXAMINATION OF THE  
FORMER LEWIS COUNTY SHERIFF**

**Calendar Year 1998**

**EDWARD B. HATCHETT, JR.  
AUDITOR OF PUBLIC ACCOUNTS  
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## Edward B. Hatchett, Jr. Auditor of Public Accounts

To the People of Kentucky  
Honorable Paul E. Patton, Governor  
John P. McCarty, Secretary  
Finance and Administration Cabinet  
Sarah Jane Schaaf, Secretary, Revenue Cabinet  
Honorable George M. Plummer, County Judge/Executive  
Honorable William D. Lewis, Lewis County Sheriff  
Honorable Virgil Cole, Former Lewis County Sheriff  
Members of the Lewis County Fiscal Court

### Independent Auditor's Report

We have audited the accompanying statement of receipts, disbursements, and excess fees of the former Sheriff of Lewis County, Kentucky, for the year ended December 31, 1998. This financial statement is the responsibility of the former Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with generally accepted auditing standards, Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for County Fee Officials issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the former Sheriff is required to prepare the financial statement on a prescribed basis of accounting that demonstrates compliance with the cash basis and laws of Kentucky, which is a comprehensive basis of accounting other than generally accepted accounting principles. This cash basis system does not require the maintenance of a general fixed asset group or general long-term debt group of accounts. Accordingly, the accompanying financial statement is not intended to present financial position and results of operations in conformity with generally accepted accounting principles.

In our opinion, the financial statement referred to above presents fairly, in all material respects, the receipts, disbursements, and excess fees of the former Sheriff for the year ended December 31, 1998, in conformity with the basis of accounting described above.

To the People of Kentucky  
Honorable Paul E. Patton, Governor  
John P. McCarty, Secretary  
Finance and Administration Cabinet  
Sarah Jane Schaaf, Secretary, Revenue Cabinet  
Honorable George M. Plummer, County Judge/Executive  
Honorable William D. Lewis, Lewis County Sheriff  
Honorable Virgil Cole, Former Lewis County Sheriff  
Members of the Lewis County Fiscal Court

Based on the results of our audit, we have presented a comment and recommendation, included herein, which discusses the following area of noncompliance:

- Former Sheriff Virgil Cole Should Have Had A Written Agreement To Protect Deposits

In accordance with Government Auditing Standards, we have also issued a report dated October 22, 1999, on our consideration of the former Sheriff's compliance with certain laws and regulations and internal control over financial reporting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ed Hatchett", with a long horizontal flourish extending to the right.

Edward B. Hatchett, Jr.  
Auditor of Public Accounts

Audit fieldwork completed -  
October 22, 1999

LEWIS COUNTY  
 VIRGIL COLE, FORMER SHERIFF  
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES

Calendar Year 1998

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Receipts

Federal Grants	\$	39,609
State Fees For Services:		
Finance and Administration Cabinet		4,392
Circuit Court Clerk:		
Sheriff Security Service	\$	11,219
Fines and Fees Collected		1,115
		12,334
Fiscal Court		15,175
County Clerk - Delinquent Taxes		3,091
Commission On Taxes Collected		76,998
Fees Collected For Services:		
Auto Inspections	\$	7,250
Accident and Police Reports		497
Serving Papers		4,910
Reimbursements		636
Bond Refunds		102
Election Commission		600
Carrying Concealed Deadly		
Weapon Permits	1,080	
Miscellaneous		1,871
		16,946
Interest Earned		1,155
Borrowed Money:		
State Advancement		37,800
Gross Receipts (Carried Forward)	\$	207,500

LEWIS COUNTY  
 VIRGIL COLE, FORMER SHERIFF  
 STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES  
 Calendar Year 1998  
 (Continued)

Gross Receipts (Brought Forward)	\$ 207,500
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Disbursements

Operating Disbursements:

Personnel Services-

Deputies' Gross Salaries	\$ 91,754
Other Gross Salaries	1,558

Materials and Supplies-

Office Materials and Supplies	35
Uniforms	417

Auto Expense-

Gasoline	4,301
Maintenance and Repairs	18,344
Mileage	583

Other Charges-

Carrying Concealed Deadly Weapon Permits	720
Life Insurance	447
Postage	663
Bond	393
Miscellaneous	1,326
	\$ 120,541

Debt Service:

State Advancement	37,800
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Total Disbursements	158,341
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Net Receipts	\$ 49,159
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Less: Statutory Maximum	48,726
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Excess Fees Due County For Calendar Year 1998	\$ 433
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Payment to County Treasurer - June 17, 1999	433
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Balance Due at Completion of Audit	\$ 0
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The accompanying notes are an integral part of the financial statement.



LEWIS COUNTY  
NOTES TO FINANCIAL STATEMENT

December 31, 1998

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of receipts over disbursements to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

The financial statement has been prepared on a cash basis of accounting pursuant to KRS 68.210 as recommended by the State Local Finance Officer. Revenues and related assets are generally recognized when received rather than when earned. Certain expenses are recognized when paid rather than when a liability is incurred, including capital asset purchases. Certain other expenses are recognized when a revenue and the related asset can be associated with a corresponding liability due another governmental entity.

The measurement focus of a fee official is upon excess fees. Remittance of excess fees is due to the County Treasurer in the subsequent year

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Employee Retirement System

The county officials and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 administered by the Board of Trustees of the Kentucky Retirement Systems. This is a multiple-employer public retirement system that covers all eligible full-time employees. Benefit contributions and provisions are established by statute. Nonhazardous covered employees are required to contribute 5.0 percent of their salary to the plan. The county's contribution rate for nonhazardous employees was 8.65 percent.

LEWIS COUNTY  
NOTES TO FINANCIAL STATEMENT  
December 31, 1998  
(Continued)

Note 2. Employee Retirement System (Continued)

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65.

Historical trend information pertaining to CERS' progress in accumulating sufficient assets to pay benefits when due is present in the Kentucky Retirement Systems' annual financial report which is a matter of public record.

Note 3. Deposits

The former Sheriff maintained deposits with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC). According to law, the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution. The depository institution has pledged or provided sufficient collateral, and the depository institution's board of directors or loan committee approved the pledge or provision. However, the depository institution did not have a written agreement with the former Sheriff.

Note 4. Loss Contingency

A leasing company has filed a claim that the Lewis County Sheriff's office owes \$31,448 in lease payments for vehicles allegedly leased by the Sheriff's office. The leasing company has filed suit, but no formal action has been taken. The Sheriff's office intends to vigorously oppose the claim. At this time, the outcome of this claim is uncertain.

Note 5. Grants

The former Sheriff was awarded a grant from the Office of Community Oriented Policing Services (COPS) program in 1996 in the amount of \$94,404. During calendar year 1998, the former Sheriff expended \$39,609 in grant funds. The remaining balance in the grant account as of December 31, 1998 is \$1,541 and is not included in the calculation of excess fees.

COMMENT AND RECOMMENDATION



LEWIS COUNTY  
VIRGIL COLE, FORMER SHERIFF  
COMMENT AND RECOMMENDATION

Calendar Year 1998

STATE LAWS AND REGULATIONS:

Former Sheriff Virgil Cole Should Have Had A Written Agreement To Protect Deposits

Former Sheriff Virgil Cole maintained deposits with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC). The former Sheriff had a bank balance of \$898,439; FDIC insurance of \$100,000; and collateral pledged or provided of \$1,000,000 as of November 10, 1998. Even though the former Sheriff obtained collateral of \$1,000,000, there was no written agreement. We recommend the Sheriff's office enter into a written agreement with the depository institution. According to federal law, 12 U.S.C.A. § 1823(e), this agreement should be (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

*Management's Response:*

*Management made no response.*

PRIOR YEAR:

In the prior year we reported the former Sheriff should have had a written agreement with the bank to protect deposits. This has not been corrected and is commented on in the current year audit.

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REPORT ON COMPLIANCE  
AND ON INTERNAL CONTROL OVER FINANCIAL  
REPORTING BASED ON AN AUDIT OF THE FINANCIAL STATEMENT  
PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS







## Edward B. Hatchett, Jr. Auditor of Public Accounts

Honorable George M. Plummer, County Judge/Executive  
Honorable William D. Lewis, Lewis County Sheriff  
Honorable Virgil Cole, Former Lewis County Sheriff  
Members of the Lewis County Fiscal Court

### Report On Compliance And On Internal Control Over Financial Reporting Based On An Audit Of The Financial Statement Performed In Accordance With Government Auditing Standards

We have audited the former Lewis County Sheriff as of December 31, 1998, and have issued our report thereon dated October 22, 1999. We conducted our audit in accordance with generally accepted auditing standards and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

#### Compliance

As part of obtaining reasonable assurance about whether the former Lewis County Sheriff's financial statement as of December 31, 1998, is free of material misstatement, we performed tests of its compliance with certain provisions of laws and regulations, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance that are required to be reported under Government Auditing Standards.

#### Internal Control Over Financial Reporting

In planning and performing our audit, we considered the former Lewis County Sheriff's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statement and not to provide assurance on the internal control over financial reporting. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control over financial reporting that might be material weaknesses. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements in amounts that would be material in relation to the financial statement being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. We noted no matters involving the internal control over financial reporting and its operation that we consider to be material weaknesses.

Honorable George M. Plummer, County Judge/Executive  
Honorable William D. Lewis, Lewis County Sheriff  
Honorable Virgil Cole, Former Lewis County Sheriff  
Members of the Lewis County Fiscal Court  
Report On Compliance And On Internal Control  
Over Financial Reporting Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards  
(Continued)

This report is intended for the information of management. However, this report, upon release by the Auditor of Public Accounts, is a matter of public record and its distribution is not limited.

Respectfully submitted,

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Edward B. Hatchett, Jr.  
Auditor of Public Accounts

Audit fieldwork completed -  
October 22, 1999

